IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 07.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Petition No.730 of 1997
& WPMP No.1174 of 1997

M.Kanagarajan ... Petitioner

Vs.

1.The State rep. by its
Secretary,
Public (General) Department,
Fort St. George, Chennai-600 009.

2.The District Collector,
Periyar District.

3.Punjai Puliampatti Town Panchayat,
rep. by the Executive Officer,
Periyar District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to resolutions 4 & 5 dated 27.11.1996 passed by the third respondent and quash the same in pursuance of G.O.Ms.No.2406 dated 25.11.1977 Public (General Department).

For Petitioner : Mr.K.Sakthivel
For Respondents 1& 2 : Mr.D.Geetha,
Additional Government Pleader
R3 : No Appearance

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ORDER

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner has filed this Public Interest Litigation seeking to quash the resolutions 4 and 5 dated 27.11.1996 passed by the third respondent-Punjai Puliampatti Town Panchayat, in pursuance of G.O.Ms.No.2406 dated 25.11.1977 Public (General) Department.

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2. The counter affidavit filed by the third respondent shows that the resolution had been sent to the Government for approval and till filing of the counter dated 14.02.1997, the Town Panchayat has not received any intimation nor an order approving the said resolution.

3. In the light of the information by the Executive Officer, Town Panchayat and of the fact that based on the resolution of the panchayat without approval by the Government, no action can be taken, we are of the view that no further adjudication is required at this juncture. It is made clear that if any order is passed by the Government contrary to the Government Order referred to above, the petitioner is free to approach this Court for appropriate relief.

3. With the above observation, the writ petition is dismissed. No costs. Consequently, WPMP No.1174 of 1994 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1.The Secretary,
Public (General) Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Periyar District.

3.The Executive Officer,
Punjai Puliampatti Town Panchayat,
Periyar District.

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W.P.No.730 of 1997

TJL(CO)
RVL 12.09.2006

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